

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Claims 20, 22, and 24 have been canceled without prejudice. Claims 1, 9, 12, 15, 23, 25, 30, and 31 have been amended, and no claims have been added. Consequently, claims 1-19, 21, 23, and 25-31 are currently pending and under consideration.

The applicant first wishes to thank the Examiner for indicating that claims 9, 10, 12-16, 23, and 25-29 contained allowable subject matter in item 7 of the Office Action. In the present response, dependent claims 9, 12, 15, and 25 have been rewritten into independent form. To conserve independent claim fees, dependent claim 23 has been amended so as to now depend upon claim 9. Dependent claims 30 and 31 have been amended so as to now depend upon independent claim 25. It is therefore believed that claims 9, 10, 12-16, 23 and 25-31 are in condition for allowance.

The features of dependent claim 20 have been incorporated into independent claim 1, and claim 20 has been canceled. In item 2 of the Office Action, dependent claim 20 was “rejected under 35 U.S.C. 102(b) as being anticipated by Herald et al. (6,341,721).” However, it is submitted that Herald et al. fails to anticipate independent claim 1, as currently amended, because it fails to disclose all of the features recited in claim 1.

As one example, Herald et al. fails to disclose or suggest “the closure assembly having a fluid supply tube with an opening and a shut-off valve threadedly coupled to the supply tube, the shut-off valve having a valve member constructed and arranged to close the opening in the supply tube upon rotating the shut-off valve in a first direction and to open the opening in the supply tube upon rotating the shut-off valve in a second direction” as recited in claim 1. Looking at FIG. 3 of Herald et al., the dispenser closure 10 is not opened and closed by rotating the cover 10. Rather, as mentioned in the Abstract and elsewhere throughout Herald et al., the cover 30 is axially pressed downwards so that the valve 40 separates from the shell 20, thereby opening the valve 40.

As a second example, Herald et al. fails to disclose or suggest “the shut-off valve member having one or more seal members constructed and arranged to seal against the valve receptacle when the shut-off valve is opened and to disengage from the valve receptacle when the shut-off valve is closed” as recited in claim 1. As discussed on pages 11-12 of the present application (as

well as elsewhere throughout the application), such seals help to minimize fluid leakage from the container and limit air infiltration into the fluid stream when the valve is opened. In particular, the seals prevent air leaks that could interfere with proper dilution. As depicted in FIGS. 18-20, the seals (98) are positioned such that the seals (98) are not engaged when the shut-off valve (58) is closed, but the seals (98) are engaged when the valve (58) is opened. This helps to improve the sealing ability of the seals (98) because the hoop strength of the seals (98) is maintained in shipping and storage, as there is no stress on the seals until they are placed in service. In contrast, as can be seen in FIG. 3 of Herald et al., the annular sealing fin 74 snugly fits against the inner wall 76 of the annular groove 52 when the valve 40 is closed (and opened). Thus, the sealing fin 74 in Herald et al. is under constant stress, which in turn may tend to weaken its sealing ability. For these and other reasons, claim 1 and its dependent claims are allowable over the references of record.

As a housekeeping matter, it should be noted that an Information Disclosure Statement (IDS) was submitted on January 31, 2006. The applicant kindly requests that the Examiner return an initialed copy of the IDS form with the next communication from the Patent Office.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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